

Resolution No.: 15-1725
Introduced: October 31, 2006
Adopted: November 28, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Amendment to the FY07-12 Capital Improvements Program and
Special Appropriation #9-E07-CMCG-3 to the FY07 Capital Budget
Montgomery County Government
Department of Public Works & Transportation
Watkins Mill Road Extended (No. 500724), \$8,525,000

Background

1. Section 308 of the County Charter provides that a special appropriation is an appropriation which states that it is necessary to meet an unforeseen disaster or other emergency, or to act without delay in the public interest. Each special appropriation shall be approved by not less than six Councilmembers. The Council may approve a special appropriation at any time after public notice by news release. Each special appropriation shall specify the source of funds to finance it.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Council recommends the following capital project appropriation increase:

| <u>Project Name</u> | <u>Project Number</u> | <u>Cost Element</u> | <u>Amount</u> | <u>Source of Funds</u> |
|-------------------------------|---------------------------|-------------------------|--------------------|---|
| Watkins Mill Road Extended | 500724 | Construction | <u>\$8,525,000</u> | |
| TOTAL | | | <u>\$8,525,000</u> | General Obligation Bonds Impact Tax Intergovernmental |

4. The amendment and special appropriation for the Watkins Mill Road Extended project is needed to fund the construction of Watkins Mill Road. The total recommended appropriation increase is \$8,525,000. This amendment is consistent with the criteria for amending the CIP because there is a significant opportunity for the County, which may be lost if not taken at this time.
5. The County, the City of Gaithersburg, and a developer have reached a Memorandum of Agreement (MOA) for the construction of this project. Under the terms of the MOA, the developer is funding the engineering design costs, dedicating the right of way for the road and the land for the future Sixth District Police Station (No. 470301), and contributing a pro-rata share of the construction cost. The timing for the construction of the road is directly linked to the County's access to the land. Full appropriation for the Watkins Mill Road project is required in FY07 for construction of the project to begin in the late spring of 2007.
6. County funding sources for the Watkins Mill Road project will be: \$4,925,000 in General Obligation bonds, \$2,600,000 of the County's Development Impact Tax revenue collected in the City of Gaithersburg and \$1,000,000 in intergovernmental aid from the City of Gaithersburg. The City is also providing for the public inspection of the road during its construction and is dedicating all of the right of way it controls in three of the four quadrants of the State's future I-270/Watkins Mill Road interchange.
7. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The FY07-12 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and a special appropriation is approved as follows:

| <u>Project Name</u> | <u>Project Number</u> | <u>Cost Element</u> | <u>Amount</u> | <u>Source of Funds</u> |
|-------------------------------|-----------------------|---------------------|--------------------|---|
| Watkins Mill Road Extended | 500724 | Construction | <u>\$8,525,000</u> | |
| TOTAL | | | \$8,525,000 | General Obligation Bonds Impact Tax Intergovernmental |

This is a correct copy of Council action.



 Linda M. Lauer, Clerk of the Council

OTHER

This project is new for the FY07-12 CIP. This project will be constructed by BP Realty Investments, LLC. As a condition of development approval BP Realty is required by the City of Gaithersburg to extend existing Watkins Mill Road on a bridge over the CSX Metropolitan Branch to the southwest ramps of the I-270 interchange as a four lane divided closed section arterial, and from MD 355 to the northeast ramps of the interchange as a two-lane road. The County's contribution will allow this road to be built in one stage to its full master-planned width from east of CSX to the interchange, and from MD 355 to the interchange.

FISCAL NOTE

A Memorandum of Agreement among BP Realty, the City of Gaithersburg, and the County outlines the shared fiscal responsibility for the design, construction, and maintenance of this project. The intergovernmental revenue represents the City of Gaithersburg's monetary share of construction. The City is also providing the permitting and inspection services for the project. The County will assume ownership and maintenance of the road, except that the City will be responsible for snow removal for a period of ten years or until such time as the road is turned over to SHA, whichever is less. BP Realty and the City will dedicate properties to the County for the road and for the Sixth District Police Station (No. 470301) and to SHA for the I-270 interchange. Impact tax funds are assumed for this project.

| APPROPRIATION AND EXPENDITURE DATA | | |
|---|------|---------|
| Date First Appropriation | FY07 | (\$000) |
| Initial Cost Estimate | | 8,525 |
| First Cost Estimate | | |
| Current Scope | FY07 | 8,525 |
| Last FY's Cost Estimate | | 0 |
| Present Cost Estimate | | 8,525 |
| | | |
| Appropriation Request | FY07 | 8,525 |
| Appropriation Request Est. | FY08 | 0 |
| Supplemental Appropriation Request | FY06 | 0 |
| Transfer | | 0 |
| | | |
| Cumulative Appropriation | | 0 |
| Expenditures/Encumbrances | | 0 |
| Unencumbered Balance | | 0 |
| | | |
| Partial Closeout Thru | FY04 | 0 |
| New Partial Closeout | FY05 | 0 |
| Total Partial Closeout | | 0 |

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|---|
| <p>COORDINATION Facility Planning: Transportation Sixth District Police Station Maryland-National Capital Park and Planning Commission State Highway Administration BP Realty Investments, LLC City of Gaithersburg WSSC PEPCO</p> |
| <p>MAP [Will be provided]</p> |